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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,279	11/28/2000	Michael D. Hillman	29498/30004	7552

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EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,279

Applicant(s)

HILLMAN ET AL. *h*

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 and 54-72 is/are pending in the application.
- 4a) Of the above claim(s) 19-37, 46-48 and 54-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 17, 18, 38-41 and 49-51 is/are rejected.
- 7) ☒ Claim(s) 14, 16 and 42-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 103

Claims 1-4,6,7,9-11 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso.

Providing a tensioning device in the form of a pulley or wheel with the cord like element wrapped therearound is well known as illustrated by Carouso at 25. One of ordinary skill in the art experiencing problems associated with blinds to be counterbalanced by a spring motor wherein the cords coming off of the spool associated with the spring motor are not properly tensioned would have looked to the art which deals with precisely this type of arrangement and found Carouso. Consequently, it would have been obvious to modify Kuhar whereby his tensioning mechanisms 49,56, are replaced with the Carouso mechanisms, which are superior. The surface of pulley 25 is "compliant" in the broad definition of the term.

12,13,15,17,18,

Claims 49,50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Griswold.

Griswold discloses a well known adjustment system in the form of knobs and threaded member g and spring K. It is noted that the adjustment knob is necessarily accessible from outside of the device. Such is used to adjust the force exerted by the spring. One of ordinary skill in the art experiencing problems with different sized blinds being operated by a spring motor would have looked to the prior art for a means to adjust the tension exerted by a spring motor and would have found Griswold. It would have been obvious to modify Kuhar to have such an adjustment system as taught by

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Griswold so as to adjust the blind operation to accommodate different sized blinds.

While the knob is not threaded onto the axle g, such is an obvious attachment expedient.

PREVIOUS PARAGRAPH

Claims 5, 12, 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso as applied above and further in view of Griswold.

Kuhar discloses everything except the separate slots for the respective cords and the spring adjustment system. Griswold first discloses a spool having separate portions, or slots, for each cord. It would have been obvious to modify Kuhar to have such a spool so as to prevent overlapping and/or entanglement of the cords.

Regarding the spring adjustment system, Griswold is applied here as above.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Carouso as applied above, and further in view of Conklin, Jr.

Providing a pulley with a rubber surface to prevent slippage of a cable looped therearound is well known as illustrated by Conklin at 60. In view of this teaching, it would have been obvious to modify the pulley of Carouso to be of rubber.

Claims 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhar '100 in view of Judkins et al '192.

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One way to provide weight to the bottom rail of a blind, which is desirable for a variety of reasons, e.g. better hanging characteristics, is to provide a weight in the form of a bar W, seen in Figs. 23 and 24. It would have been obvious in view of this teaching to provide Kuhar with such a weight to also achieve, for example, better hanging characteristics. It is obvious that the weight must be chosen so as to maintain the balanced feature of Kuhar. The specific shape of the weight, whether it be rod shaped, bar shaped, etc., is clearly an obvious design choice based on available material, location in which the weight is placed, etc. The term "tape" is broad and readable on any bar shaped weight, which is clearly cuttable.

Allowable Subject Matter

Claims 14, 16 and 42-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 8-29-02 have been fully considered but they are not persuasive.

Applicant's arguments generally revolve an alleged lack of motivation to combine the references as proposed by the Examiner. Regarding Griswold and Carouso, while these references do not come from analogous art, they each include respective

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teachings which are in the Applicant's field of endeavor, i.e. adjusting the spring tension (Griswold) and providing tensioning spools (Carouso). Clearly, motivation has been set forth to locate these references and utilize their teachings. Regarding Judkins et al, the use of the weight, to improve hanging characteristics, is clearly combinable with Kuhar, which is analogous art. When using analogous art, it is not required that the purpose of the weight of the present invention (offset the spring) be the same purpose in the prior art, in this case Judkins. The weight is clearly adjustable due to it's mounting arrangement, i.e. in a slot. The choice of material, size, etc. of the weight, are all variables available to one of ordinary skill in the art to achieve the desired hanging characteristic. The weight, when applied to Kuhar, must clearly allow the blind to remain balanced.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

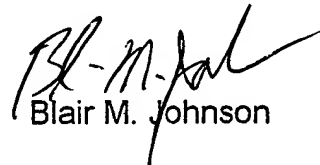
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.



Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
November 6, 2002